

March 30, 2004
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IN THE SUPREME COURT OF THE STATE OF IDAHO

2004 Opinion No. 34

JERI R. WHITE,)	
)	
Claimant,)	
)	
v.)	
)	
CANYON HIGHWAY DISTRICT #4,)	
)	Docket No. 29466
Employer-Appellant,)	
)	
and)	
)	
IDAHO DEPARTMENT OF LABOR,)	
)	
Respondent.)	

Appeal from the Industrial Commission of the State of Idaho, James F. Kile,
Chairman.

The decision of the Industrial Commission is affirmed.

White, Peterson, Morrow, Gigray, Rossman, Nye & Rossman, P.A., Nampa, for
appellant.

Hon. Lawrence G. Wasden, Attorney General, Boise, for respondent.

This case came to the Idaho Supreme Court from the Industrial Commission's
(Commission) grant of unemployment benefits to Jeri White (White) after the
Commission reversed the ruling of the Appeals Bureau.

On September 17, 2002, White filed a claim for unemployment insurance benefits
with the Idaho Department of Labor. The Department subsequently denied White's
claim on October 8, 2002. White then filed a Request For Appeals Hearing seeking a
review by an Appeals Examiner of the Idaho Department Of Labor's denial of her
application for unemployment insurance benefits. On November 20, 2002, the Appeals

Bureau of the Idaho Department Of Labor held a telephone hearing to review the Department of Labor's denial of White's application for unemployment insurance benefits. The Appeals Examiner affirmed the Idaho Department of Labor's October 8, 2002, denial of benefits to White. On December 3, 2002, White appealed the decision of the Appeals Examiner to the Industrial Commission.

On January 14, 2003, the Industrial Commission entered an Order reversing the Decision of the Appeals Examiner. The Commission concluded White quit her employment with Canyon, but that she quit with good cause because there were no alternatives to pursue short of quitting that would have provided her with relief from the hostile working environment created by Bright.

On January 29, 2003, Canyon filed a Motion for Reconsideration requesting the Commission reconsider its Order of January 14, 2003. In response to this motion, White filed her own motion with the Commission asking them to deny Canyon's Motion for Reconsideration. On February 10, 2003, the Commission entered a final Order denying Canyon's Motion for Reconsideration. On March 20, 2003, Canyon filed its Notice of Appeal to this Court. Canyon sought a review of the Commission's decision.

The decision of the Industrial Commission that White quit for good cause in connection with her employment with Canyon Highway District #4 is affirmed. There was substantial and competent evidence to support the Commission's finding that the sexual nature of Bright's conduct created an unacceptable working condition. There was also substantial and competent evidence supporting the Commission's finding that Bright engaged in other behavior that created a hostile work environment. Finally, there was substantial and competent evidence supporting the Commission's finding that White pursued all available options before quitting.